

U.S. Patent Application Serial No. 10/642,639  
Response filed July 23, 2007  
Reply to OA dated March 28, 2007

### **REMARKS**

As a courtesy to the Examiner, the applicant submits herewith a Listing of Claims showing the current status of the pending claims in this patent application. The applicants respectfully submit that no new matter has been added. It is believed that this Response is fully responsive to the Office Action dated March 28, 2007.

Claims 1 - 3 are presently being examined, claims 1 - 3 being independent claims.

The applicant thanks the Examiner for now indicating that claims 1 and 2 are allowed (see, page 4 of the outstanding Action).

However, claim 3 is rejected under 35 USC §103(a) as being unpatentable over Hwang (U.S. Patent No. 6,661,454) in view of Arai (U.S. Patent No. 5,576,758). The applicant respectfully request reconsideration of this rejection.

The applicant's claimed invention, as recited in claim 3, is directed to a digital camera, which includes a plurality of interfaces for connecting thereto a plurality of kinds of recording media different in cluster size representing the number of sectors providing one cluster, a file recording device for recording an image file on the recording medium with units of cluster, and a display for showing thereon various items of information, the digital camera wherein the file recording device includes: a cluster size obtainer for obtaining the cluster size from the plurality of kinds of recording media connected to the plurality of interfaces; an interface selector for selecting an interface connected to the recording medium having the larger cluster size as the image file to be recorded is greater in size; and a file recorder for recording the image file on the recording medium connected to the selected interface.

Significant claimed structural arrangements, as set forth in claim 3, include the image files being recorded on a plurality of kinds of recording media. Specifically, the recording media are different in cluster size. The cluster size means the number of sectors of one cluster, and is not the number of clusters necessary for recording one image file (the number of clusters of a packet in Arai).

In the applicant's claimed invention, as set forth in claim 3, while a large number of clusters would be necessary for recording an image file on a recording medium of small cluster size, a small

number of clusters would be necessary for recording the image file on a recording medium of large cluster size. Accordingly, in the claimed invention recited in claim 3, recording media are changed depending on the size of an image file to be recorded. An image file of large size would be recorded on a recording medium of large cluster size, while an image file of small size would be recorded on a recording medium of small cluster size.

In contrast, lines 30 - 47, column 3 of Arai only disclose that each cluster has a predetermined capacity, for example, 8 kbit (see, Arai's FIG. 3) and that a necessary number of clusters are used for recording according to the file size. For example, when F is selected on the interface 9 in FIG. 6, 24 clusters are used as a packet for recording, whereas when E is selected, 6 clusters are used as a packet for recording because the file size is smaller. Each cluster has the same size of 8 kbit.

As described above, in the applicant's claimed invention (claim 3), the recording media are different in cluster size so that one recording medium of appropriate cluster size is selected depending on the image file size. In contrast, in Arai, all recording media have a predetermined cluster size, and the number of clusters used for recording is simply varied. Arai fails to disclose or suggest that an image file is recorded on one recording medium of appropriate cluster size depending on the image file size.

The outstanding Office Action states that: "it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into a memory card the ability to have different cluster sizes in a packet because the size of an image varies with the picture mode/quality." The applicant submits that it would not have been obvious however to a person of ordinary skill in the art to vary the cluster size according to the image file size based on the teachings of the cited prior art references even if *arguendo* combined in the manner suggested by the Examiner.

In view of the above, the withdrawal of the outstanding obviousness rejection under 35 USC §103(a) based on Hwang (U.S. Patent No. 6,661,454) in view of Arai (U.S. Patent No. 5,576,758) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

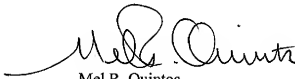
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP

A handwritten signature in black ink, appearing to read 'Mel R. Quintos', is written over a horizontal line.

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Enclosure: Petition for Extension of Time